
SENATE BILL No. 525

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-2; IC 35-50-6-8.

Synopsis: Life imprisonment for certain repeat sex offenders. Authorizes the state to seek a sentence of life imprisonment without parole for a person who commits a Class A or Class B felony constituting a sex offense against a child and who has a prior unrelated Class A or Class B felony conviction for a sex offense against a child.

Effective: July 1, 2005.

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January 20, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 525

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-50-2-1.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 1.8. As used in this chapter, "sex offense against a**
4 **child" means an offense under IC 35-42-4 or IC 35-46-1-3 in which**
5 **the victim is a child less than eighteen (18) years of age.**

6 SECTION 2. IC 35-50-2-8.5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.5. (a) The state may
8 seek to have a person sentenced to life imprisonment without parole for
9 any felony described in section 2(b)(4) of this chapter by alleging, on
10 a page separate from the rest of the charging instrument, that the person
11 has accumulated two (2) prior unrelated felony convictions described
12 in section 2(b)(4) of this chapter.

13 **(b) The state may seek to have a person sentenced to life**
14 **imprisonment without parole for a Class A felony or Class B felony**
15 **under IC 35-42-4 or IC 35-46-1-3 that is a sex offense against a**
16 **child by alleging, on a page separate from the rest of the charging**
17 **instrument, that the person has a prior unrelated Class A felony or**



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Class B felony conviction under IC 35-42-4 or IC 35-46-1-3 that is a sex offense against a child.

~~(b)~~ (c) If the person was convicted of the felony in a jury trial, the jury shall reconvene to hear evidence on the life imprisonment without parole allegation. If the person was convicted of the felony by trial to the court without a jury or if the judgment was entered to guilty plea, the court alone shall hear evidence on the life imprisonment without parole allegation.

~~(c)~~ (d) A person is subject to life imprisonment without parole if the jury (in a case tried by a jury) or the court (in a case tried by the court or on a judgment entered on a guilty plea) finds that the state has proved beyond a reasonable doubt that the person:

(1) has accumulated two (2) prior unrelated convictions for offenses described in section 2(b)(4) of this chapter; or

(2) **has a prior unrelated Class A felony or Class B felony conviction under IC 35-42-4 or IC 35-46-1-3 that is a sex offense against a child.**

~~(d)~~ (e) The court may sentence a person found to be subject to life imprisonment without parole under this section to life imprisonment without parole.

SECTION 3. IC 35-50-6-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8. A person serving a sentence of life imprisonment without parole does not earn credit time under this chapter.**

SECTION 4. [EFFECTIVE JULY 1, 2005] **IC 35-50-2-8.5, as amended by this act, applies only to offenses committed after June 30, 2005.**

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